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## DECLARATION - USA PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled SYNTHETIC MICROSPHERES AND METHODS OF MAKING SAME; the specification of which was filed on August 25, 2003 as Application Serial No. 10/648,009.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I hereby claim the benefit under Title 35, United States Codes § 119(e) of any United States provisional application(s) listed below.

Application No.: 60/405,790

Filing Date: August 23, 2002

Application No.: 60/471,400

Filing Date: May 16, 2003

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: **Amlan Datta**

Inventor's signature *Amlan Datta*

Date 09/15/03

Residence: **11835 Proclamation Drive, Rancho Cucamonga, CA 91730**

Citizenship: **India**

Post Office Address: **11835 Proclamation Drive, Rancho Cucamonga, CA 91730**

Full name of second inventor: **Hamid Hojaji**

Inventor's signature

Date

9-15-03

Residence: **2140 Bonnie Brae Street, Claremont, CA 91711**

Citizenship: **United States**

Post Office Address: **2140 Bonnie Brae Street, Claremont, CA 91711**

Full name of third inventor: **David L. Melmeth**

Inventor's signature

Date

9-15-03

Residence: **905 W. Solano Street, Upland, CA 91784**

Citizenship: **Australia**

Post Office Address: **905 W. Solano Street, Upland, CA 91784**

Full name of fourth inventor: **James A. McFarlane**

Inventor's signature

Date

9/23/03

Residence: **9876 Pasqual Court, Rancho Cucamonga, CA 91730**

Citizenship: **Australia**

Post Office Address: **9876 Pasqual Court, Rancho Cucamonga, CA 91730**

Full name of fifth inventor: **Thinh Pham**

Inventor's signature

Date

09/15/03

Residence: **8/3-5 Houston Road, Kensington, NSW 2033 Australia**

Citizenship: **Australia**

Page 3

Attorney's Docket No. BALDS2.37AUS4

Post Office Address: 8/3-5 Houston Road, Kensington, NSW 2033 Australia

Full name of sixth inventor: Noel E. Thompson

Inventor's signature Noel E. Thompson

Date 17-Nov-2003

Residence: 19 Norfolk Place, Carlingford, NSW 2118 Australia

Citizenship: Australia

Post Office Address: 19 Norfolk Place, Carlingford, NSW 2118 Australia

Full name of seventh inventor: Huagang Zhang

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_

Residence: 34377 Oakwood Place, Yucaipa, CA 92399

Citizenship: China

Post Office Address: 34377 Oakwood Place, Yucaipa, CA 92399

Send Correspondence To:  
KNOBBE, MARTENS, OLSON & BEAR, LLP  
Customer No. 20,995

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091003

Post Office Address: **8/3-5 Houston Road, Kensington, NSW 2033 Australia**

Full name of sixth inventor: **Noel R. Thompson**

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_

Residence: **19 Norfolk Place, Carlingford, NSW 2118 Australia**

Citizenship: **Australia**

Post Office Address: **19 Norfolk Place, Carlingford, NSW 2118 Australia**

Full name of seventh inventor: **Huagang Zhang**

Inventor's signature Huagang Zhang

Date 9/15/2003

Residence: **34377 Oakwood Place, Yucaipa, CA 92399**

Citizenship: **China**

Post Office Address: **34377 Oakwood Place, Yucaipa, CA 92399**

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Send Correspondence To:

**KNOBBE, MARTENS, OLSON & BEAR, LLP**

**Customer No. 20,995**



BALDS2.37AUS4

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Datta et al. )  
App. No. : Unknown )  
Filed : August 25, 2003 )  
For : SYNTHETIC MICROSPHERES AND )  
METHODS OF MAKING SAME )  
Examiner : Unknown )

ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION  
AND  
REVOCATION AND POWER OF ATTORNEY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignment of the above-captioned application from the inventor(s) to the Assignee is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventor(s) to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 2040 Main Street, Fourteenth Floor, Irvine, California 92614, Telephone (949) 760-0404, Customer No. 20,995, as its attorneys with full power of substitution and revocation to prosecute this

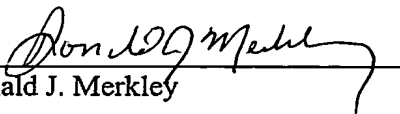
App. No. : Unknown  
Filed : August 25, 2003

application and to transact all business in the U.S. Patent and Trademark Office connected herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use **Customer No. 20,995** for all communications.

JAMES HARDI RESEARCH PTY LIMITED

Dated: November 17, 2003

By:   
Donald J. Merkley

Title: Director

Address: 10901 Elm Avenue  
Fontana, CA 92337

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091003

Application No. : Unknown  
Filing Date: August 25, 2003

PATENT  
Client Code: BALDS2.37AUS4  
Page 1

ASSIGNMENT

WHEREAS, We, Amlan Datta, a citizen of India, residing at 11835 Proclamation Drive, Rancho Cucamonga, CA 91730, Hamid Hojaji, a citizen of the United States, residing at 2140 Bonnie Brae Street, Claremont, CA 91711, David L. Melmeth, a citizen of Australia, residing at 905 W. Solano Street, Upland, CA 91784, James A. McFarlane, a citizen of Australia, residing at 9876 Pasqual Court, Rancho Cucamonga, CA 91730, Thinh Pham, a citizen of Australia, residing at 8/3-5 Houston Road, Kensington, NSW 2033, Australia, Noel R. Thompson, a citizen of Australia, residing at 19 Norfolk Place, Carlingford, NSW 2118, Australia and Huagang Zhang, a citizen of China, residing at 34377 Oakwood Place, Yucaipa, CA 92399, have invented certain new and useful improvements in a SYNTHETIC MICROSPHERES AND METHODS OF MAKING SAME for which we have filed an application for Letters Patent in the United States, Application No. 10/648,009, Filed on August 25, 2003.

AND WHEREAS, JAMES HARDIE RESEARCH PTY LIMITED (hereinafter "ASSIGNEE"), a Corporation, with its principal place of business at Level 1, Research and Product Development Building, 10 Colquhoun Street, Rosehill, NSW 2142, Australia, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all provisional applications relating thereto, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 15 day of September, 2003.

Amlan Datta

STATE OF California }

COUNTY OF San Bernardino }

ss.

On September 15, 2003 before me, Jeanette S. Pacific, Notary, personally appeared Amlan Datta personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and



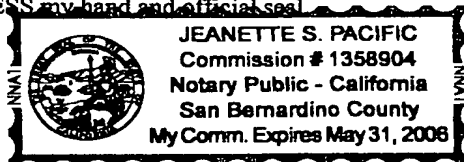
Application No.: Unknown  
Filing Date: August 25, 2003

PATENT  
Client Code: BALDS2.37AUS4  
Page 2

that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Notary Signature

*Jeanette S. Pacific*

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 15 day of Sept., 2003

Hamid Hojaji

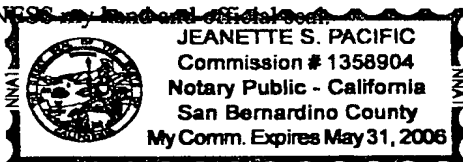
*Hamid Hojaji*

STATE OF California }  
COUNTY OF San Bernardino } ss.

On September 15, 2003, before me, Jeanette S. Pacific, personally appeared Hamid Hojaji personally known to me ~~(or proved to me on the basis of satisfactory evidence)~~ to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Notary Signature

*Jeanette S. Pacific*

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 15th day of September, 2003

David L. Melmeth

*David L. Melmeth*

STATE OF California }  
COUNTY OF San Bernardino } ss.

On September 15, 2003, before me, Jeanette S. Pacific, personally appeared Third personally known to me ~~(or proved to me on the basis of satisfactory evidence)~~ to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Notary Signature

*Jeanette S. Pacific*

Application No.: Unknown  
Filing Date: August 25, 2003

PATENT  
Client Code: BALDS2.37AUS4  
Page 3

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 23 day of SEPTEMBER 2003

James A. McFarlane

STATE OF California

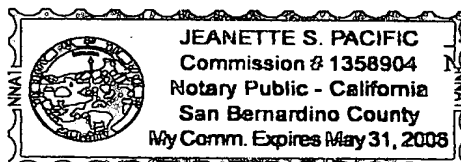
ss.

COUNTY OF San Bernardino

On September 23, 2003 before me, Jeanette S. Pacific, Notary, personally appeared James A. McFarlane personally known to me (~~or proved to me on the basis of satisfactory evidence~~) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 15 day of September, 2003

Thinh Pham

STATE OF California

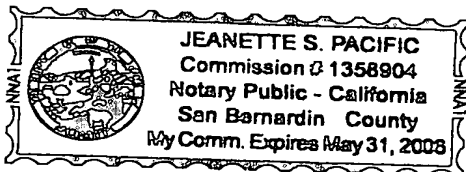
ss.

COUNTY OF San Bernardino

On September 15, 2003 before me, Jeanette S. Pacific, personally appeared Thinh Pham personally known to me (~~or proved to me on the basis of satisfactory evidence~~) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Notary Signature

Application No.: Unknown  
Filing Date: August 25, 2003

PATENT  
Client Code: BALDS237AUS4  
Page 4

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 17 day of November, 2003

Noel R. Thompson  
Noel R. Thompson  
N.R.J.

STATE OF N.S.W.  
COUNTY OF Australia } ss.

On 17-NOV-2003, before me, MALCOLM J. FARR, personally appeared Noel R. Thompson personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

MALCOLM J. FARR  
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Huangang Zhang

STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } ss.

On \_\_\_\_\_, before me, \_\_\_\_\_, personally appeared Huangang Zhang personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

\_\_\_\_\_  
Notary Signature

Application No.: Unknown  
Filing Date: August 25, 2003

PATENT  
Client Code: BALDS2.37AUS4  
Page 4

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Noel R. Thompson

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

}  
} ss.  
}

On \_\_\_\_\_, before me, \_\_\_\_\_, personally appeared Noel R. Thompson personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

\_\_\_\_\_  
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 15 day of September, 2003.

Huagang Zhang  
Huagang Zhang

STATE OF California

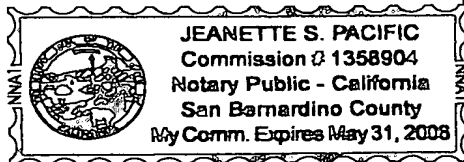
COUNTY OF San Bernardino

}  
} ss.  
}

On September 15, 2003, before me, Jeanette S. Pacific, Notary personally appeared Huagang Zhang personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Jeanette S. Pacific  
Notary Signature